IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE EIGHTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 14748 of 2005

Between:

Nagi Reddy Ramana Reddy, s/o Penchala Reddy,
r/o Juvvalapalem Village and Post, Naidupet Mandal, Nellore District.

..... PETITIONER

AND

1 Mandal Revenue Officer, Naidupet Mandal, Naidupet Post, Nellore District- 524 126.
2 Assistant Divisional Engineer, Electrical Office, Naidupet Post and Mandal, Nellore District-524 126.
3 Pagala Penchalaiah, s/o Penchalaiah, Juvvalapalem Villae & Post, Naidupet Mandal, Nellore District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction, declaring the action of the respondents in not taking any steps to close the bore well which has been sunk by the 3rd respondent in Sy.No.23/1A of Juvvalapalem Village, Naidupet Mandal, Nellore District in contravention of the provisions of the A.P. Water, Land and Trees Act, 2002 and Rule 12 of the Rules as illegal, arbitrary and unconstitutional and consequently direct the respondents 1 and 2 to close the said bore well forthwith as per Section 15 of the said Act and the Rules.

Counsel for the Petitioner: MR. P. GOVIND REDDY

Counsel for the Respondent No.1: GP FOR REVENUE

Counsel for the Respondent No.2: MR.M.SREERAMULU REDDY, S.C.FOR APSEB.

Counsel for the Respondent No.3: None appeared.

The Court made the following:

ORDER:

The petitioner filed this writ petition seeking a Writ of Mandamus to declare the action of the respondents in not taking any steps to close the bore-well which has been dug by the third respondent in survey No.23/1A of Juvvalapalem village, Naidupet Mandal of Nellore District in contravention of the provisions of the A.P. Water, Land and Trees Act, 2002 (for short “the Act”) and Rule 12 of the Rules made thereunder, as illegal and arbitrary and consequently to direct respondent Nos.1 and 2 to close the said bore-well.

The petitioner claims to be owner of Ac.6-00 of agricultural land situated in survey No.23/4 of Juvvalapalem village and he got dug a bore-well in his land in the year 1960 for irrigating his land. He states that in violation of the provisions of the Act, the third respondent dug a bore-well in the month of May, 2005 in survey No.23/1A within a distance of 94 feet from his bore-well, without prior permission from the Revenue Authorities. The grievance of the petitioner is that though he made a representation, dated 13-9-2004 to the first respondent and also got issued a legal notice, dated 10-5-2005 to all the respondents calling upon them to close the bore-well, no action has been taken so far. Assailing the impugned action of respondent Nos.1 and 2 in not taking any steps to close the bore-well, the petitioner filed this writ petition.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue appearing on behalf of the first respondent and the learned counsel for the second respondent.

Having regard to the facts and circumstances of the case and in view of the fact that the representation dated 13-9-2004 and the legal notice dated 10-5-2005 got issued by the petitioner are pending consideration with the first respondent-Mandal Revenue Officer, I deem it appropriate to dispose of the writ petition in the following terms:

The first respondent is directed to consider the representation dated 13-9-2004 and the legal notice dated 10-5-2005 got issued by, the petitioner and pass appropriate orders thereon in accordance with law within a period of eight weeks from the date of receipt of a copy of this Court, after giving an opportunity of hearing to the petitioner.

Accordingly, the writ petition is disposed of. No order as to costs.

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E. DHARMA RAO, J

Date:08-07-2005

MRKR

To

1. The Mandal Revenue Officer, Naidupet Mandal, Naidupet Post,
Nellore District-524 126.

2. The Assistant Divisional Engineer, Electrical Office,
Naidupet Post and Mandal, Nellore District-524 126.

3. Two C.Cs. to G.P. for Revenue, High Court of A.P.,

Hyderabad (O.U.T.).

4. Two C.D. copies.